

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Y.S., individually and as next friend and
parent of J.S., a child with a disability,

Plaintiff,

-v-

1:07-CV-481

NORTH COLONIE CENTRAL SCHOOL
DISTRICT,

Defendant.

DAVID N. HURD
United States District Judge

ORDER TO SHOW CAUSE
and
TEMPORARY RESTRAINING ORDER

UPON READING AND FILING the Affidavit of Jason H. Sterne, Esq., sworn to on July 18, 2007; attached Exhibits; Memorandum of Law; motion for permission to supplement the complaint and for permanent statutory injunctive relief; and the Affidavits of Andrew K. Cuddy, Esq., and of Y.S., both sworn to on July 13, 2007; it is hereby

ORDERED that

1. Defendant North Colonie Central School District appear at the United States Courthouse, 10 Broad Street, Utica, New York, at 2:00 p.m. on Friday, July 27, 2007, to SHOW CAUSE why an order should not be granted issuing (1) permission for the plaintiff to supplement his complaint with causes of action for permanent statutory injunctive relief and for a violation of section 504 of the Rehabilitation Act, and (2) permanent statutory injunctive relief ordering the defendant to return the minor child J.S. to the prior pendency placement as set forth in the individualized education program from 2004-05 that placed J.S. in an

unmodified Regent's program in all academic subjects but English Language Arts and for such other and further relief as the Court deems just and proper;

2. Service of a copy of this Order to Show Cause and Temporary Restraining Order and the supporting papers by ECF service upon Kenneth Ritzenberg, Esq., counsel for the defendant constitutes sufficient notice hereof;

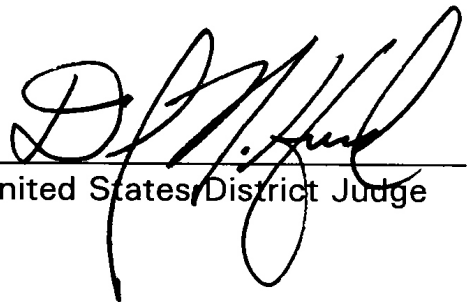
3. A response, if any, shall be filed and served on or before 12:00 noon on Wednesday, July 25, 2007;

4. A reply will not be permitted;

5. Defendant North Colonie Central School District is TEMPORARILY RESTRAINED from removing J.S. from his prior pendency placement and TEMPORARILY RESTRAINED from disallowing him from attending summer school pending the return date contained in this order;

6. Oral argument on the request for a preliminary injunction will be held at 2:00 p.m. on Friday, July 27, 2007, with an evidentiary hearing and/or trial on the merits, if required, to be scheduled for a later date.

IT IS SO ORDERED.


United States District Judge

Timed: 12:45 p.m.
Dated: July 19, 2007
Utica, New York.